

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CHRISTOPHER BASILE,

Plaintiff,

- against -

08-CV-7549 (CS)(GAY)

SHERRY WIGGS, THE VILLAGE/TOWN OF DOBBS
FERRY, NEW YORK, THE POLICE DEPARTMENT
FOR THE VILLAGE/TOWN OF DOBBS FERRY, NEW
YORK, THE BOROUGH OF POINT PLEASANT
BEACH, NEW JERSEY, THE POLICE DEPARTMENT
OF POINT PLEASANT BEACH, NEW JERSEY, JOHN
DOES 1-10, individually and in their capacities as
employees of the Police Department, and JOHN DOES
11-20, individually and in their capacities as employees
of the Police Department for the Borough of Point
Pleasant Beach, New Jersey,

Defendants.

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

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Appearances:

Christopher Basile
Brooklyn, New York
Pro Se Plaintiff

William Martin, Esq.
Martin & Colin, P.C.
White Plains, New York
Attorney for Defendant Sherry Wiggs

Lewis R. Silverman, Esq.
Rutherford & Christie, LLP
New York, New York
*Attorney for Defendants The Village/Town Of Dobbs Ferry New York and The Police
Department For The Village/Town Of Dobbs Ferry New York*

Kevin B. Riordan, Esq.
Gertner Riordan LLC
Lakewood, New Jersey
Attorney for Defendant Borough of Point Pleasant Beach, New Jersey

Seibel, J.

Before the Court is the Report and Recommendation (“R&R”) of Magistrate Judge George Yanthis dated May 1, 2009. (Doc. 36.) Judge Yanthis recommends that Plaintiff’s motion for entry of a default judgment against Defendants Village/Town of Dobbs Ferry and Police Department for the Village/Town of Dobbs Ferry, pursuant to Fed. R. Civ. P. 55(b)(2), be denied.

A district court reviewing a magistrate judge’s report and recommendation “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). Parties may raise objections to the magistrate judge’s report and recommendation, but they must be “specific” and “written,” and submitted “[w]ithin 10 days after being served with a copy of the recommended disposition.” Fed. R. Civ. P. 72(b)(2); *see also* 28 U.S.C. § 636(b)(1)(C).

Where a party submits timely objections to a report and recommendation, the district court reviews the parts of the report and recommendation to which the party objected under a *de novo* standard of review. 28 U.S.C. § 636(b)(1)(C); *see* Fed. R. Civ. P. 72(b)(3) (“The district judge may accept, reject, or modify the recommended disposition; receive further evidence; or return the matter to the magistrate judge with instructions.”). The district court may adopt those portions of a report and recommendation to which no objections have been made, as long as no clear error is apparent from the face of the record. *See White v. Fischer*, No. 04-CV-5358, 2008 WL 4210478, at *1 (S.D.N.Y. Sept. 12, 2008)¹; *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985); Fed. R. Civ. P. 72 advisory committee’s note (b). The clearly-erroneous

¹ Plaintiff will be provided with copies of all unreported cases cited in this Order.

standard also applies when a party makes only “conclusory or general objections, or simply reiterates his original arguments.” *Barratt v. Joie*, No. 96-CV-324, 2002 WL 335014, at *1 (S.D.N.Y. Mar. 4, 2002).

Plaintiff’s time to object to the R&R has run and he has filed no objections. I discern from the face of the record no clear error in the recommendation of the R&R, and accordingly it is adopted as the decision of the Court.

The motion for entry of a default judgment is denied.

SO ORDERED.

Dated: May 29, 2009
White Plains, New York



CATHY SEIBEL, U.S.D.J.